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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,581	09/22/2003	Simon R. Hakiel	GB920030085US1	9639

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IBM CORPORATION
3039 CORNWALLIS RD.
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EXAMINER

BELANI, KISHIN G

ART UNIT	PAPER NUMBER
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2143

NOTIFICATION DATE	DELIVERY MODE
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06/21/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RSWIPLAW@us.ibm.com

Office Action Summary

Application No.

10/667,581

Applicant(s)

HAKIEL ET AL.

Examiner

Kishin G. Belani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Applicant's amendment filed on May 03, 2007.

Claims 1 and 4-12 are still pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 101

35 U.S.C. 101 rejection for **claim 13** has been withdrawn, as the applicant has cancelled claim 13 as of May 03, 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 4-7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wilson et al. (U.S. Patent Publication # 6,714,976 B1)** in view of **Black et al. (U.S. Patent Publication # 7,143,153 B1)**.

Consider **claim 1**, Wilson et al. clearly show and disclose a method of filtering one or more events associated with one or more computer environments for display in a performance monitoring system, wherein each of the one or more events is generated when a threshold associated with a first parameter is met (Fig. 14, flowchart blocks 322 and 324 that show and disclose a filtering process for collected event data by comparing the data with pre-defined rules, then continuing to process the filtered data only; column 18, lines 40-42 that disclose how the events related to business transactions are processed by the filtering process described in the flowchart; column 6, lines 27-45 that describe a second filtering process for monitoring the performance of

various computer systems in a network by disclosing that users can select and specify in the configuration plug-in modules which events to monitor by the monitoring agents; Abstract; Fig.1; column 4, lines 31-50 that show and disclose the monitoring environment with a multiplicity of computer environments (server s1 block 20 and server s2 block 22 and monitoring agents 30-40); Fig. 13 and column 17, lines 8-14 that show and disclose the corresponding set up for business transaction monitoring events; Fig. 7; column 10, lines 39-48; column 14, lines 2-7 that disclose defining the trigger events and collecting diagnostic information for performance monitoring of computer environments; Fig. 14; column 18, lines 1-8 that show and disclose the corresponding details for business transaction monitoring events), the method comprising the steps of: receiving a filter representing at least one of: a set of the one or more computer environments or at least one second parameter (Fig. 1, EM Console block 42 that receives event triggered data from EM agents 30-40; column 6, lines 42-45 that disclose the plug-in modules for filtering and capturing the event triggered data and sending the captured data to the EM Console; Table in Fig. 11 that shows the type of data collected including system component 268 as one or more computer environments and threshold 264 as a second parameter); **and** in response to the receiving step, filtering the one or more events (Fig. 14, blocks 322 and 324 that disclose comparing collected data with pre-defined rules to filter out the data for events that are not within the scope of the defined rules); **displaying the filtered one or more events** (Fig. 1, EM Console block 42 and Monitoring Station 24; column 4, lines 20-30 and 63-67 that show and disclose

monitoring and managing of a distributed application, with an application program running on console 42 that displays event-triggered monitored data at the component and at the enterprise level); **and**
wherein the filter is received from, and the one or more filtered events are displayed on, a single display window (Table in Fig. 11; column 13, lines 49-63 that describe the event-triggered data being collected and displayed as shown on a single display window).

However, Wilson et al. do not specifically disclose **displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.**

In the same field of endeavor, Black et al. clearly show and disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information (Figs. 7A and 7C that show links both in the form of clickable status buttons 899a-899e (Fig. 7A) and as links 899a-899e (Fig. 7C); when one of these links is clicked, the GUI of Fig. 7B is displayed, providing additional details of the filtered event; column 37, lines 19-35 and 48-55 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information, as taught by

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Black et al. in the method of Wilson et al., so as to provide the network administrator additional status information for one or more filtered events, whenever the administrator wishes to further monitor an event that may be of critical importance by clicking on the link.

Consider **claim 4**, and **as applied to claim 1 above**, Wilson et al., as modified by Black et al., clearly show and disclose a method wherein for each of the filtered one or more events, the displaying step further comprises the step of displaying a first set of information associated with: an event identifier (Fig. 11, Exception ID column 262; column 13, lines 64-66 that disclose an event identifier field 262); the associated one or more computer environments (Fig. 11, Components Type field in column 266; column 14, lines 7-10 that describe the data item associated with column 266 of the table in Fig. 11); the first parameter (Fig. 11, System Components for Data Gathering column 268; column 14, lines 16-34 that describe the data item associated with column 268 of the table in Fig. 11); the second parameter (Fig. 11, Threshold column 264; column 13, lines 66-67 and column 14, lines 1-7 that describe the data item associated with column 264 of the table in Fig. 11); and a second parameter identifier (Fig. 11, Data ID field of column 266; column 14, lines 7-15 that describe the data item associated with column 266 of the table in Fig. 11).

Consider **claim 5**, and **as applied to claim 4 above**, Wilson et al., as modified by Black et al., clearly disclose a method wherein the first set of information is associated with a second set of information (column 15, lines 13-15 which disclose that the data contained in table 260 of Fig. 11 (first set of information) includes configuration information (second set of information) of the computer system being monitored).

Consider **claim 6**, and **as applied to claim 5 above**, Wilson et al., as modified by Black et al., clearly disclose a method wherein the second set of information comprises information associated with the configuration of the one or more computer environments (column 15, lines 13-15 which disclose that the data contained in table 260 of Fig. 11 (first set of information) is associated with the configuration information (second set of information) of the computer system being monitored).

Consider **claim 7**, and **as applied to claim 5 above**, Wilson et al., as modified by Black et al., clearly disclose a method wherein the second set of information comprises information associated with the threshold (column 13, lines 64-67 and column 14, lines 1-7 which disclose that the second set of information (column 264 of Fig. 11) comprises information associated with the threshold).

Consider **claim 9**, and **as applied to claim 1 above**, Wilson et al., as modified by Black et al., clearly disclose a method wherein the second parameter represents a resource (column 6, lines 51-56 which disclose that the second parameter may be

available memory space (a resource); column 12, lines 5-9 which disclose that these parameters can be resource metrics (CPU and memory usage) or network parameters such as latency).

Consider **claim 10**, and **as applied to claim 1 above**, Wilson et al., as modified by Black et al., clearly disclose a method wherein the second parameter represents a time (column 12, lines 5-9 which disclose that these parameters can be network latency parameters, i.e. time; column 14, lines 2-7 that also discloses time as being the second parameter to trigger an event and subsequent monitored data capture).

Consider **claim 11**, and **as applied to claim 1 above**, Wilson et al., as modified by Black et al., clearly disclose a method wherein each of the one or more computer environments comprises at least one computer system (Fig. 1, server s1 block 20 and server s2 block 22 as examples of one or more computer environments with at least one computer system; column 4, lines 20-30 that disclose various components of the invention).

Consider **claim 12**, Wilson et al. clearly disclose an apparatus for filtering one or more events associated with one or more computer environments for display in a performance monitoring system, wherein each of the one or more events is generated when a threshold associated with a first parameter is met (Fig. 14, flowchart blocks 322 and 324 that show and disclose a filtering process for collected event data by

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comparing the data with pre-defined rules, then continuing to process the filtered data only; column 18, lines 40-42 that disclose how the events related to business transactions are processed by the filtering process described in the flowchart; column 6, lines 27-45 that describe a second filtering process for monitoring the performance of various computer systems in a network by disclosing that users can select and specify in the configuration plug-in modules which events to monitor by the monitoring agents; Abstract; Fig.1; column 4, lines 31-50 that show and disclose a monitoring apparatus with a multiplicity of computer environments (server s1 block 20 and server s2 block 22 and monitoring agents 30-40); Fig. 13 and column 17, lines 1-8 show and disclose the corresponding set up for business transaction monitoring events; Fig. 7; column 10, lines 39-48; column 14, lines 2-7 that disclose defining the trigger events and collecting diagnostic information for performance monitoring of computer environments; Fig. 14; column 18, lines 1-8 that show and disclose the corresponding details for business transaction monitoring events), the apparatus comprising:

means for receiving a filter representing at least one of: a set of the one or more computer environments or at least one second parameter (Fig. 1, EM Console block 42 that receives event triggered data from EM agents 30-40; column 6, lines 42-45 that disclose the plug-in modules for filtering and capturing the event triggered data and sending the captured data to the EM Console; Table in Fig. 11 that shows the type of data collected including system component 268 as one or more computer environments and threshold 264 as a second parameter); **and**

means, responsive to the receiving means, for filtering the one or more events (Fig. 14, blocks 322 and 324 that disclose comparing collected data with pre-defined rules to filter out the data for events that are not within the scope of the defined rules);

means for displaying the filtered one or more events (Fig. 1, EM Console block 42 and Monitoring Station 24; column 4, lines 20-30 and 63-67 that show and disclose the means for monitoring and managing a distributed application, with an application program running on console 42 that displays event-triggered monitored data at the component and at the enterprise level); **and**

wherein the filter is received from, and the one or more filtered events are displayed on, a single display window (Table in Fig. 11; column 13, lines 49-63 that describe the event-triggered data being collected and displayed as shown on a single display window).

However, Wilson et al. do not specifically disclose **means for displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information.**

In the same field of endeavor, Black et al. clearly show and disclose means for displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information (Figs. 7A and 7C that show links both in the form of clickable status buttons 899a-899e (Fig. 7A) and as links 899a-899e (Fig. 7C); when one of these links

is clicked, the GUI of Fig. 7B is displayed, providing additional details of the filtered event; column 37, lines 19-35 and 48-55 disclose the same details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose means for displaying a link from a first set of information related to the filtered one or more events being displayed, said link for accessing a second set of information related to the first set of information, as taught by Black et al. in the apparatus of Wilson et al., so as to provide the network administrator additional status information for one or more filtered events, whenever the administrator wishes to further monitor an event that may be of critical importance by clicking on the link.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wilson et al. (U.S. Patent Publication # 6,714,976 B1)** in view of **Black et al. (U.S. Patent Publication # 7,143,153 B1)**, and further in view of **Sylor et al. (U.S. Patent Application Publication # 2002/0049838 A1)**.

Consider **claim 8**, and as applied to **claim 1** above, Wilson et al., as modified by Black et al., clearly show and disclose the claimed invention except disclosing that the first parameter represents a severity level.

In the same field of endeavor, Sylor et al. clearly show and disclose that the first parameter represents a severity level (Fig. 7, exception event table 62, column labeled "Severity"; paragraph 0189 that discloses severity of the alert).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to disclose that the first parameter represents a severity level, as taught by Saylor et al. in the method of Wilson et al., as modified by Black et al., so that the importance of handling more critical events can be presented to the person monitoring the system.

Response to Arguments

Applicant's arguments with respect to **claims 1 and 4-12** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status


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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

Kishin G. Belani
K.G.B./kgb

May 24, 2007



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TECHNOLOGY CENTER 2100